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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,658	01/08/2002	Brian Carl Stanz	021756-024600US	6991

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EXAMINER	
LERNER, MARTIN	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/042,658	STANZ ET AL.	
	Examiner	Art Unit	
	Martin Lerner	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38, 40 to 42, 44, and 47 to 49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38, 40 to 42, 44, and 47 to 49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 38, 41 to 42, 44, and 47 to 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903)*.

Concerning independent claim 38 and 47 to 49, *Yamamoto et al.* discloses a method, system, and software program for performing contextual software translations, comprising:

"providing a first iteration of a computer program, wherein the computer program comprises source text in a first natural language" – a translator receives human language text for a software application to be translated; text elements are captured in text files and delivered to translators for translation (column 4, lines 27 to 31); text to be translated includes, *e.g.*, "CANCEL" and "OK" text buttons for a GUI written in Java (column 6, lines 43 to 65: Figure 5); translation is between natural languages of Country A and Country B, *e.g.* between English and Japanese;

"providing an interface for a translator to provide a translation of at least some of the source text into a second natural language" – the translator is presented with a

graphical user interface in the base language, and can then interactively translate each text label on the screen (column 3, lines 13 to 15); a software package is translated into another (or more than one) language for each text message, menu, and button (column 1, lines 34 to 41);

"displaying, for the translator, a first display screen of a first version of the computer program in the first natural language, the first display screen displaying the source text in the first natural language, as it will appear in a first version of the computer program" – when the translation tool is run, it retrieves both the text to be translated and the contextual information from localization files, and uses this information to create a GUI display ("a first display screen") which is similar to that of the original program; the translator can then translate the text in the proper context ("as it will appear in a first version of the computer program") (column 3, lines 19 to 25); when the text is to be translated, the contextual information is read, and a button, with the original text, is displayed on the screen ("a first display screen of a first version of the computer program in the first natural language") (column 5, lines 20 to 23; column 7, lines 25 to 27);

"displaying, for the translator, a second display screen of a second version of the computer program in the second natural language, the second display screen comprising the translation of the source text in the second natural language, as it will appear in the second version of the computer program" – when the translator selects the button, an editor pop-up window is displayed ("a second display screen"), and the translator will enter the translated text for that button (column 5, lines 23 to 26; column

7, lines 28 to 30); the translator is provided with direct contextual information about the item being translated; the complete translation has been performed in the context in which the button will appear in the final application ("as it will appear in the second version of the computer program") (column 4, lines 39 to 43; column 7, lines 33 to 35).

Concerning independent claims 38 and 47 to 49, the only element not clearly disclosed by *Yamamoto et al.* is "wherein the providing of the interface for the translator is performed concurrently with development of the source text of the computer program". Arguably, *Yamamoto et al.* discloses a display interface for a translator that is concurrent with development of the source text of the computer program, implicitly, because translating text strings that are stored in localization files is an element of the development of the source text of the computer program, as the computer consists of both the text strings stored in localization files and the executable code itself. Moreover, *Yamamoto et al.* expressly states that the executable can be changed or replaced without disturbing the translated text. (Column 1, Line 60 to Column 2, Line 6) Furthermore, the testing phase in Country B may reveal other errors, such as programming problems, which are not corrected in the translation problems, in which instance the application is shipped back to Company A to be corrected. (Column 5, Lines 1 to 5) Thus, the translation is performed concurrently with development of the source text because, even after translation is performed and being tested, programming errors may be revealed during the testing, and the program is shipped back for development of the source text, in an iterative and parallel process.

Concerning independent claims 38 and 47 to 49, in any event, *Malcolm ('903)* teaches that numerous activities can be done in parallel during development of panels in a typical engineering/software development cycle, when a product progresses through various stages prior to an end product. Tracking and logging of changes is performed to an application that may need to be sent to a translation center before the final program code is completed. (Column 10, Lines 16 to 56) An objective is to obtain an improved system for generating application programs in a multilingual windows environment. (Column 3, Lines 12 to 17) It would have been obvious to one having ordinary skill in the art to provide an interface to a translator concurrently with the development of source text of a computer program as taught by *Malcolm ('903)* in a method, system, and software program for performing contextual software translations of *Yamamoto et al.* for a purpose of providing an improved system for generating application programs in a multilingual windows environment by tracking and logging changes through various stages to an end product in a typical engineering/software development cycle.

Concerning claim 41, *Yamamoto et al.* discloses translation of text messages, menus, and buttons ("the source text") from a software package from one language ("the first natural language") into a new language ("the second natural language") (column 1, lines 34 to 41); thus, the original software application from Country A provides "the source text", and the translated computer program is "the target software program" for Country B.

Concerning claims 42 and 44, *Yamamoto et al.* omits determining a translation status, updating a translation status, and monitoring development of the translation in response to detection of a revision of the translation. However, it is fairly well known to perform these activities in managing versions of documents during collaborative development. Specifically, *Malcolm ('903)* teaches tracking and logging changes made during development of translations of an application program to aid in the translation process. (Column 10, Line 16 to Column 11, Line 34: Table 3) It would have been obvious to one having ordinary skill in the art to determine a translation status, update a translation status, and monitor development of a translation in response to detection of a revision as taught by *Malcolm ('903)* in a method, system, and software program for performing contextual software translations of *Yamamoto et al.* for a purpose of aiding a translator in a translation process.

3. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903)* as applied to claim 38 above, and further in view of *Peterson et al.*

Yamamoto et al. discloses displaying a graphic user interface (GUI) that displays the original text to be translated with contextual information ("the first display screen") and an editor pop-up window ("the second display screen") on the same screen into which the translator enters the translated text for a button. (Column 5, Lines 14 to 26) Thus, it is maintained that *Yamamoto et al.* anticipates the limitations of "the first display screen and the second display screen are displayed simultaneously" because the

original text button and the editor pop-up window are displayed on the same screen. It should not matter how big or small, nor in what format the original text and pop-up window are displayed to meet the limitation of the first and second display screens being displayed simultaneously. Alternatively, however, *Peterson et al.* teaches that it is known to provide a browser tool bar with windows for an original language and a translation language ("the first display screen and the second display screen are displayed simultaneously") so that the linguist can scroll through the text of the document being translated in an original language text window and a corresponding translation language text window. (Column 5, Line 52 to Column 6, Line 29) It would have been obvious to one having ordinary skill in the art to display first and second screens for translating text simultaneously as taught by *Peterson et al.* in a method, system, and software program for performing contextual software translations of *Yamamoto et al.* for a purpose of permitting a linguist to scroll through windows during translation.

Response to Arguments

4. Applicants' arguments filed 09 October 2007 have been considered, but are moot in view of the new grounds of rejection, necessitated by amendment.

Applicants argue that *Yamamoto et al.* does not teach providing the interface for the translator concurrently with development of the source text of the computer program. Applicants say that *Yamamoto et al.* discloses completing the computer program at Company A in Country A, and then shipping files to be translated to

Company B in Country B, as opposed to concurrent development of the computer program. Furthermore, Applicants argue that *Yamamoto et al.* does not teach providing an interface for a translator of at least some of the source text. These arguments are not persuasive.

Firstly, *Yamamoto et al.* arguably discloses providing an interface for the translator concurrently with development of the source text of the computer program. *Yamamoto et al.* does not simply disclose that the computer program is developed and completed by Company A in Country A and then shipped to be translated to Company B in Country B. Actually, *Yamamoto et al.* says that a "testing phase in Country B may reveal other errors, such as programming problems, which are not corrected in the translation problems. In this case, the application is shipped back to Company A to be corrected, as in conventional processes." (Column 5, Lines 1 to 5) Moreover, the manner of packaging the software product is to segregate the text strings to be translated in localization files separately from the executable code. The objective is to make executable code that can be changed or replaced without disturbing the translated text. (Column 1, Line 60 to Column 2, Line 6) Even after Company B in Country B tests for translation in a mock environment to test for any translation errors, and makes an necessary retranslations, Company B in Country B can send the product back to Company A in Country A to correct programming problems. (Column 4, Line 50 to Column 5, Line 5: Figure 4).

Secondly, as a more general matter, saying that an interface is provided for the translator "concurrently with development of the source text of the computer program" is

somewhat ambiguous when "the source text of the computer program" can reasonably be construed to include both the text strings stored in localization files and the executable code. *Yamamoto et al.* provides a system, program, and method for performing contextual software translations by segregating the computer program into localization files containing the text to be translated and files containing the executable code. It is somewhat arbitrary to limit the development of the source text to developing the executable code according to principles of broadest reasonable interpretation. When the computer program consists of localization files and executable code, as disclosed by *Yamamoto et al.*, then translation of text strings is part of the overall development of the source text of the computer program.

Thirdly, even if *Yamamoto et al.* is taken to omit the feature of "wherein the providing of the interface for the translator is performed concurrently with development of the source text of the computer program", the limitation is taught by *Malcolm ('903)*, as set forth herein the new grounds of rejection, necessitated by amendment.

Fourthly, *Yamamoto et al.* clearly discloses providing an interface for a translator to provide a translation of at least some of the source text into a second language. *Yamamoto et al.* discloses translation of text strings of the localization files, which are displayed to the translator. The localization files contain some of the source text of the computer program for buttons "Yes" and "No", "Ok" and "Cancel". (Figures 2, 5, and 6)

Therefore, the rejections of claims 38, 41 to 42, 44, and 47 to 49 are under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903)*,

and of claim 40 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903)*, and further in view of *Peterson et al.*, are proper.

Conclusion

5. Applicants' amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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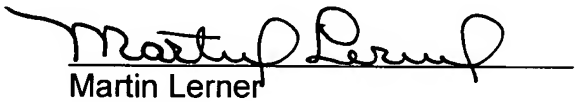

Martin Lerner
Examiner
Group Art Unit 2626